

S E C R E T SECTION 01 OF 03 ALGIERS 002155

SIPDIS

STATE FOR S/WCI

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SUBJECT: MEETINGS IN ALGIERS ON GUANTANAMO DETAINEES

Classified By: Ambassador Richard W. Erdman,  
for reasons 1.4 (b)(d).

SUMMARY AND COMMENT

**11.** (S) Ron Miller, Senior Adviser to the Ambassador-at-Large for War Crimes Issues, held meetings with officials from the MFA, Ministry of Justice, and Presidency officials October 18 on issues related to the detention and repatriation of detainees held at Guantanamo who claim to be Algerian. Miller said there were 25 such detainees. Out of these, three were approved for repatriation, albeit with the need for assurances from the GOA on managing the threat posed by two of the three. Once a mechanism for repatriating Algerians was established, the same procedures would be followed for future repatriations, which were bound to occur since the U.S. was pursuing a policy of aggressive repatriations. Miller expressed regret that a scheduled visit to Guantanamo for Algerian officials two years ago had not gone forward as planned, but he extended an invitation for MFA, law enforcement, and intelligence officials to visit Guantanamo, help establish the nationality of the presumed Algerians, and provide any other information relevant to the repatriation process. Miller provided a sample diplomatic note containing the assurances sought by the U.S. before repatriations could begin, furnished intelligence on the presumed Algerian detainees, and provided all the biographical data the U.S. possessed on them.

**12.** (S) Algerian officials welcomed Miller's visit but expressed regret that the U.S. had not worked more cooperatively earlier in addressing issues surrounding the Guantanamo detainees. They stressed that the detainees' rights, dignity, and choices should be respected. They wondered why the Algerians, whose Government cooperated closely with the U.S. in the war on terror, were not at the front of the line for repatriation. They also asked for more details on what the detainees had done that led to their detention. Ministry of Justice officials said it was possible that some Algerian detainees would be subject to prosecution in Algeria for their activities abroad. Finally, GOA officials in all meetings underscored Algeria's interest in negotiating and ratifying a bilateral extradition treaty with the United States. In the meeting at the Presidency, the GOA pledged to study the materials provided by Miller and respond to the U.S. proposals as soon as possible.

**13.** (S) In our view, Miller's visit was helpful and well-received. Much of its value was in making available to non-intelligence actors in the GOA information that the Algerian security services received in late 2002 but did not share with civilian ministries. In this sense, Miller provided information that the GOA, save the security services, had long sought. Post looks forward to working with Miller and S/WCI to resolve favorably the outstanding issues. (End Summary and Comment.)

MEETINGS AT MFA, JUSTICE, AND PRESIDENCY

**14.** (S) In separate October 18 meetings with the MFA, Ministry of Justice, and Presidency, Senior Adviser to the Ambassador-at-Large for War Crimes Issues Ron Miller presented an overview of Guantanamo detainee issues, focusing on the U.S. request for immediate repatriation of three Algerian detainees. Miller, accompanied by DCM and PolEc Chief, also responded to questions from GOA officials. Director General of Consular Affairs Hacene Rebehi led the Algerian delegation at the MFA. At Justice, Miller met with Mohamed Amara, Director of Human Rights. Presidential Counselor on Counter-Terrorism Mohamed Kamel Rezag Bara, flanked by representatives of MFA and the Presidency, hosted Miller at the Presidency.

OVERVIEW OF DETAINEES PRESUMED TO BE ALGERIAN

**15.** (S) Miller, who thanked the GOA officials for their warm welcome and expressed appreciation for their willingness to receive him during Ramadan, explained in his meetings that the U.S. was holding 25 individuals who claimed Algerian citizenship, three of whom were approved for transfer or release. While the U.S. was not certain in each and every

case that the claims of citizenship were valid, we were convinced that the three individuals identified for transfer or release were Algerian citizens. Miller noted the U.S. had already repatriated 251 detainees from Guantanamo, including five Moroccans, an Egyptian, a Tunisian, and a Libyan. Two more Moroccans would soon be repatriated.

**16.** (S) The Algerian ready for release, Boucetta Fethi, did not meet the criteria as an enemy combatant. The other two were ready for repatriation provided that the GOA provided the U.S. with certain guarantees. Miller described the processes in place at Guantanamo to assess violations of law by detainees as well as their value to intelligence efforts. Stressing that the U.S. did not want to hold the detainees longer than necessary and that we were obliged under the Geneva Convention to return the detainees to their country of citizenship if they no longer posed a significant threat, the U.S. sought to repatriate detainees once it was established that legal proceedings against the detainee could not be pursued, the individual could provide no further exploitable intelligence, and the detainee's threat to the U.S. and the international community was manageable. While the U.S. pursued a policy of aggressive repatriation, such repatriations had to occur in a safe, organized manner so that the receiving states could manage the risk posed by these individuals.

#### NEED FOR ALGERIAN ASSURANCES BEFORE REPATRIATION

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**17.** (S) Miller underscored that if the GOA consented to the repatriation of Fethi, he could be released very quickly. The U.S., though, would require assurances from Algeria for the other two Algerians ready for repatriation, as had been requested of and granted by numerous countries, including North African and Middle Eastern countries. The U.S. sought assurances via diplomatic note that the receiving government would take responsibility for managing the threat posed by the repatriated individual, treat the subject humanely, and provide some form of access if the need for further questioning for intelligence purposes arose in the future. The U.S. deferred to the receiving country on issues of surveilling, holding in custody, or pursuing judicial proceedings against the repatriated person. Once a mechanism of providing assurances was in place bilaterally with Algeria, future repatriations from Guantanamo would be handled in the same manner. Miller stressed that as the Administrative Review Boards completed their assessments of all detainees, the current timeline for which was late 2005, it was probable that more presumed Algerians would be approved for repatriation.

#### INVITATION EXTENDED FOR DELEGATION TO VISIT GUANTANAMO

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**18.** (S) It would be useful to both the U.S. and Algeria, said Miller, if Algerian law enforcement, intelligence and MFA officials could interview the presumed Algerians at Guantanamo and establish their nationality and provide any other information relevant to the repatriation process. Miller noted that an invitation extended to the GOA a couple of years ago did not result in a visit due to some misunderstandings. Miller expressed regret for any misunderstandings and offered to expedite a visit to Guantanamo for Algerian officials as soon as the GOA was ready. Miller said an Algerian visit to Guantanamo, like visits from delegations of other countries, was of value for purposes of ascertaining the nationality of detainees, establishing the threat that the detainee posed to the international community, as well as examining bases for criminal investigations and proceedings.

**19.** (S) In the meeting with MFA, Miller provided intelligence information releasable to the GOA on the Algerian detainees, and in all his meetings he provided the biographical information that presumed Algerian detainees had furnished to Guantanamo staff. In his meeting at the Presidency, Miller provided a sample diplomatic note outlining the assurances sought by the U.S. prior to the repatriation of detainees. Miller referred to all the above documents in every meeting and stressed with his interlocutors that he and the U.S. were being completely transparent in sharing information with the GOA.

#### GOA REACTION: WE DESERVED BETTER TREATMENT

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**110.** (S) Algerian officials in all meetings with Miller universally expressed regret that they had not received months earlier the information Miller provided and that the U.S. had not worked more cooperatively earlier in addressing these issues. They also expressed that Algeria took seriously its responsibilities for its citizens detained anywhere in the world. In cases where Algerians held more than one nationality, GOA officials said the choice of the individual to choose the country of repatriation should be

respected. Asked about the six Algerians who hold dual nationality with Bosnia, Miller said those detainees were not yet approved for repatriation, but since all of them had expressed a preference to return to families in Bosnia, and Bosnia agreed to receive them, if they were approved for release they would be returned to Bosnia absent an objection from the GOA. Rezag Bara said Algeria did not object to their return to Bosnia provided the decision was made of the detainees' free will. Algerian officials would need to verify their wishes in any visit to Guantanamo. With regard to visiting Guantanamo, the Algerians indicated interest but were non-committal, leaving the impression this would be decided at a higher level.

ALGERIA DESIRES BILATERAL EXTRADITION TREATY WITH U.S.

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¶11. (S) GOA officials all stressed that the detainees' rights, dignity, and choices should be respected. They also asked for more details on what the detainees had done that led to their detention, noting that Algeria was in the process of drafting implementing legislation on Bouteflika's National Reconciliation Plan, approved by the voters September 29, and that some of the detainees might benefit from provisions aimed at terrorists who agreed to lay down their arms. Ministry of Justice officials said it was possible that Algerian detainees, once returned, would be subject to prosecution in Algeria for their activities abroad. Finally, GOA officials in all meetings underscored Algeria's interest in negotiating and ratifying a bilateral extradition treaty with the United States.

ISSUES UNDER STUDY WITH GOAL OF SPEEDY RESPONSE

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¶12. (S) In the MFA meeting, Rebehi said the GOA had the feeling the Algerians were in the back of the line when it came to release, and he wondered why the Algerians, whose Government he noted cooperated closely with the United States in the war on terror and who knew first hand the savagery of terrorism, were not at the front of the line. In response, Miller said the lack of cooperation from the detainees presumed to be Algerian was a major contributing factor to the delay. It was hard for investigators at Guantanamo to make an assessment of nationality in cases where the detainees refused to talk. Miller emphasized again the utility of a visit by an Algerian delegation, since it was our experience that detainees conversed more readily with investigators from their own country. In the meeting at the Presidency, Rezag Bara said the GOA would study the materials provided by Miller and respond to the U.S. proposals as soon as possible.

¶13. (U) S/WCI Senior Adviser Miller did not clear this message.

ERDMAN